

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
MONROE DIVISION

**ALICIA SMITH, CAROLINA BOURQUE,
EMMA BURKEY, CHRISTOPHER CODY
FLINT, MICHELLE ZIMMERMAN, PhD,
ERIN RHODES, JESSICA KROGMEIER,
LORIN JEPPESEN, and REACT19, INC.,**

Plaintiffs,

-vs.-

**UNITED STATES OF AMERICA, UNITED
STATES HEALTH RESOURCES AND
SERVICES ADMINISTRATION, UNITED
STATES DEPARTMENT OF HEALTH AND
HUMAN SERVICES, and JOHN DOES 1-3,**

Defendants.

Case No. 3:23-cv-01425

Judge Elizabeth E. Foote

Magistrate Kayla D. McClusky

**JOINT MOTION REQUESTING SCHEDULING ORDER AND HEARING
ON PLAINTIFFS' RENEWED PRELIMINARY INJUNCTION MOTION**

Plaintiffs and Defendants, by counsel, having conferred in an effort to further the efficient resolution of this case, respectfully move the Court to establish a briefing schedule and hearing date regarding Plaintiffs' forthcoming renewed Motion for Preliminary Injunction ("Renewed PI Motion"), to be filed on or before January 17, 2024. The parties submit the following in support of this motion.

1. On December 1, 2023, the Court convened a status conference regarding Plaintiffs' filings before the Court at that time.
2. In light of the Court's guidance during the December 1, 2023 status conference, on December 15, 2023, the parties filed a Joint Notice Regarding Plaintiffs' Preliminary Injunction Motion and Second Amended Complaint (Dkt. 034) wherein Defendants consented to the filing of

Plaintiffs' Second Amended Complaint on or before December 21, 2023. Dkt. 034, ¶ 1. Plaintiffs withdrew their Motion for Preliminary Injunction, without prejudice to Plaintiffs filing a Renewed PI Motion on or before January 17, 2024. *Id.*, ¶¶ 2-3.

3. The parties have agreed to the following filing and briefing schedule, which they respectfully request that the Court adopt:

- January 17, 2024 – Plaintiffs will file their Renewed PI Motion and supporting brief.
- February 16, 2024 – Defendants will file their response to the Renewed PI Motion.
- March 18, 2024 – Plaintiffs will file their reply to Defendants' response. Plaintiffs will also notify the Court whether they seek discovery and what evidence they would present at an evidentiary hearing. Defendants reserve the right to oppose any discovery sought by Plaintiffs and to argue that the Court should not hold an evidentiary hearing on Plaintiffs' Renewed PI Motion.
- April 18, 2024 – Defendants will file their sur-reply to Plaintiffs' reply.
- A hearing on the Renewed PI Motion to be set for a date and time convenient to the Court.
- Defendants' deadline to respond to Plaintiffs' Second Amended Complaint will be 21 days after the Court rules on the Renewed PI Motion.

WHEREFORE, the parties respectfully request that this Court adopt the proposed deadlines listed above and set a hearing date for the Renewed PI Motion.

Dated: December 22, 2023

Respectfully submitted,

/s/ Charlotte Y. Bergeron

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CERTIFICATE OF SERVICE

I hereby certify that on December 22, 2023 I presented the foregoing Joint Motion Requesting Scheduling Order and Hearing on Plaintiffs' Renewed Preliminary Injunction Motion to the Clerk of Court for filing and uploading to the CM/ECF system which will send notification of such filing to all parties or counsels of record.

/s/ Aaron Siri
Aaron Siri, Esq.